

Before the State of South Carolina
Department of Insurance

In the Matter of:)	SCDOI Docket # 06-0764
)	
James F. Smith)	Order Revoking Resident
)	Producer License
)	
_____)	

This matter comes before the South Carolina Department of Insurance (the Department), upon application of David E. Belton, Esquire, Senior Associate General Counsel for the Department, requesting the revocation of James F. Smith ("Producer's") resident producer's license.

After careful review of the evidence presented the Department issues the following decision.

FINDINGS OF FACT

Producer is currently a South Carolina resident producer.

In the State of South Carolina at the Department of Insurance on January 31, 2005 producer consented to Consent Order Imposing Administrative Penalty of \$3,500.00 and Probationary Period of two (2) years from the date of the order signed by Gwendolyn Fuller McGriff, Deputy Director. Conditions of probation stipulate, "If Mr. Smith is found to be in violation of any of the State's insurance laws within that probationary period, all of his licensing privileges will be immediately revoked without any further disciplinary proceedings".

In the State of South Carolina the producer failed to forward premium(s) to First Insurance Funding Corporation per Premium Finance Agreements on Atlantic Marine Construction, LuLu's and Carl Welch totaling \$17,071.30. Contracts were dated November 30, 2005, December 8, 2005 and December 10, 2005 respectively. Premiums were not submitted to First Insurance Funding Corporation until October 31, 2006.

In the State of South Carolina the producer violated insurance laws during his probationary period.

CONCLUSIONS OF LAW

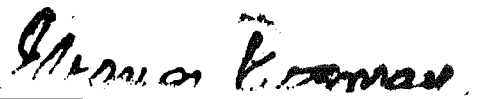
Pursuant to S.C. Code §38-43-130(A) (4), "the Director or his designee may place on probation, revoke, or suspend a producer's license after ten days' notice when it appears that a producer has violated this title or any regulation promulgated by the department", (4)

“improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.”

THEREFORE, it is ordered that James F. Smith South Carolina resident producer license shall be immediately revoked and no license issued through the state of South Carolina Department of Insurance is to be issued to him.

It is FURTHER ORDERED that the National Association of Insurance Commissioners be immediately notified of this order.

This South Carolina Department of Insurance administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *freedom of Information Act*, S.C. Code Ann. §§30-4-10, et seq. (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to “report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report.” S.C. Code Ann. §38-3-110(3) (Supp. 2000).



Eleanor Kitzman
Director of Insurance

Dated this 5 day of February 2007